

109TH CONGRESS  
1ST SESSION

# S. 32

To enhance the benefits and protections for members of the reserve components of the Armed Forces who are called or ordered to extended active duty, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 24, 2005

Mr. DAYTON (for himself, Mr. REID, Mr. DORGAN, Mr. LEAHY, Ms. MIKULSKI, Mr. CORZINE, and Mr. JOHNSON) introduced the following bill; which was read twice and referred to the Committee on Armed Services

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## A BILL

To enhance the benefits and protections for members of the reserve components of the Armed Forces who are called or ordered to extended active duty, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       This Act may be cited as the “National Guard and  
4       Reserve Bill of Rights Act of 2005”.

5       **SEC. 2. PERIODS OF DEPLOYMENTS OF RESERVES OVER-**  
6       **SEAS.**

7       (a) UNITED STATES CENTRAL COMMAND DEPLOY-  
8       MENTS.—

1           (1) LIMITATION.—During a period when there  
2           is in effect a policy of assigning units or members  
3           of one or more of the active components of the  
4           Armed Forces to duty in the area of responsibility  
5           of the United States Central Command for a speci-  
6           fied period of time of not less than one year, the  
7           Secretary of Defense shall provide that the length of  
8           such an assignment in the case of members of the  
9           reserve components of the Armed Forces may not  
10          exceed the length of such period for the cor-  
11          responding active component reduced by the period  
12          of time between the date of entry of the reserve com-  
13          ponent members onto active duty and the date of the  
14          deployment of such members for such assignment.

15          (2) TRANSITION.—Paragraph (1) applies to  
16          members of reserve components assigned to duty in  
17          the area of responsibility of the United States Cen-  
18          tral Command on or after the date of the enactment  
19          of this Act and to such members assigned to such  
20          duty before such date who as of the date of the en-  
21          actment of this Act have more than 90 days remain-  
22          ing in such assignment.

23          (b) COMMUNICATION OF LENGTHS OF DEPLOYMENT  
24 PERIODS TO RESERVES IN OPERATION IRAQI FREE-  
25 DOM.—

1           (1) FINDINGS.—Congress makes the following  
2 findings:

3           (A) Members of all components of the  
4 Armed Forces, active and reserve, exhibit a re-  
5 markable commitment and willingness to serve  
6 their country in Iraq and Afghanistan, and  
7 other United States military efforts around the  
8 world and, in doing so, frequently face grave  
9 risks and difficulties.

10          (B) While the members of the Armed  
11 Forces have clearly and consistently dem-  
12 onstrated their dedication to duty, much uncer-  
13 tainty has arisen among them about the lengths  
14 of their deployments and when they will be re-  
15 turned to their loved ones. This confusion im-  
16 pairs our troops' morale and places undue  
17 strain on their families and their civilian em-  
18 ployers.

19          (C) Fairness to the men and women of the  
20 Armed Forces deployed overseas requires that  
21 the Department of Defense—

22           (i) have clear policies regarding  
23 lengths of deployment periods; and

1 (ii) communicate these policies and  
2 other deployment-related information to  
3 them and their families.

4 (D) While many military units were de-  
5 ployed months before Operation Iraqi Freedom  
6 was launched on March 19, 2003, the Depart-  
7 ment of Defense did not announce a policy  
8 about the length of deployments until August  
9 2003.

10 (E) Even after the Department of Defense  
11 issued its so-called “one year boots-on-the-  
12 ground” policy regarding lengths of deployment  
13 periods, many of the members of units deployed  
14 overseas in Operation Iraqi Freedom learned  
15 shortly before their scheduled return dates that  
16 their deployments would be extended for  
17 months beyond the one-year period provided  
18 under that policy.

19 (2) REPORT.—

20 (A) REQUIREMENT FOR REPORT.—Not  
21 later than March 1, 2005, the Secretary of De-  
22 fense shall submit to the Committees on Armed  
23 Services of the Senate and the House of Rep-  
24 resentatives a report on Department of Defense  
25 policies governing the length of deployment pe-

1           riods applicable to members of reserve compo-  
2           nents of the Armed Forces in connection with  
3           Operation Iraqi Freedom, and on the commu-  
4           nication between the Department of Defense  
5           and reserve component personnel and their  
6           families regarding the length of the deployment  
7           periods.

8           (B) CONSULTATION REQUIREMENT.—In  
9           preparing the report under this section the Sec-  
10          retary shall consult with the Chairman and  
11          other members of the Joint Chiefs of Staff and  
12          with such other officials as the Secretary con-  
13          siders appropriate.

14          (C) CONTENT.—The report under this  
15          paragraph shall contain a discussion of the  
16          matters described in subparagraph (A), includ-  
17          ing the following matters:

18               (i) The process by which the Depart-  
19               ment of Defense determined its policy re-  
20               garding the length of deployment periods.

21               (ii) The reason that no such policy  
22               was in place before Operation Iraqi Free-  
23               dom began.

24               (iii) A comparison of the policy during  
25               Operation Iraqi Freedom with Department

of Defense deployment policies that applied to previous contingency operations.

(iv) The timeliness of the process for notifying reserve component units for activation.

(v) The process for communicating with activated reserve component members and their families about demobilization schedules.

(vi) The family support programs provided by the National Guard and other reserve components for families of activated Reserves.

(vii) An assessment of lessons learned about how the increased operations tempo of the National Guard and other reserve components can be expected to affect readiness, recruitment and retention, civilian employers of Reserves, and equipment and supply resources of the National Guard and the other reserve components.

(D) MATTERS FOR PARTICULAR EMPHASIS.—In the discussion of the matters included in the report under this subsection, the Sec-

retary of Defense shall place particular emphasis on—

(i) lessons learned, including deficiencies identified; and

(ii) near-term and long-term corrective actions to address the identified deficiencies.

(E) FORM OF REPORT.—The report shall be submitted in unclassified form, but may include a classified annex.

### **SEC. 3. MILITARY PAY.**

(a) CORRECTION OF PAY PROBLEMS FOR ACTIVATED RESERVE COMPONENT PERSONNEL.—

(1) REQUIREMENT FOR SENIOR LEVEL ACTION.—The Secretary of the Army shall designate a senior level official of the Department of the Army to implement—

(A) the recommendations for executive action set forth in the report of the Comptroller General of the United States entitled “Military Pay, Army National Guard Personnel Mobilized to Active Duty Experienced Significant Pay Problems”, dated November 2003; and

(B) the recommendations for executive action set forth in the report of the Comptroller

1 General of the United States entitled “Military  
 2 Pay, Army Reserve Soldiers Mobilized to Active  
 3 Duty Experienced Significant Pay Problems”,  
 4 dated August 2004.

5 (2) SUPERVISION BY COMPTROLLER OF DE-  
 6 PARTMENT OF DEFENSE.—The official designated  
 7 under paragraph (1) shall report directly to, and be  
 8 subject to the direction of, the Under Secretary of  
 9 Defense (Comptroller) regarding performance of the  
 10 duties that the official is designated to carry out  
 11 under such paragraph.

12 (3) TERMINATION OF REQUIREMENT.—The  
 13 designation under paragraph (1) shall terminate  
 14 upon the certification of the Under Secretary of De-  
 15 fense (Comptroller) to Congress that all rec-  
 16 ommendations referred to in such paragraph have  
 17 been implemented.

18 (b) REENLISTMENT BONUS FOR SELECTED RE-  
 19 SERVE.—

20 (1) EXPANDED ELIGIBILITY.—Subsection (a)(1)  
 21 of section 308b of title 37, United States Code, is  
 22 amended by striking “16 years” and inserting “17  
 23 years”.

24 (2) INCREASED MAXIMUM AMOUNT.—Sub-  
 25 section (b) of such section is amended by striking



1 “(b) BONUS AMOUNT; PAYMENT.—(1) The amount  
 2 of a bonus under this section may not exceed—”  
 3 and all that follows through the end of paragraph  
 4 (1) and inserting the following:

5 “(b) BONUS AMOUNT.—The amount of a bonus  
 6 under this section may not exceed \$15,000.”.

7 (3) OPTION TO RECEIVE LUMP-SUM PAY-  
 8 MENT.—Section 308b of title 37, United States  
 9 Code, is further amended—

10 (A) by striking paragraphs (1) and (2) of  
 11 subsection (c); and

12 (B) in paragraph (2) of subsection (b), by  
 13 striking “(2) Bonus payments” and all that fol-  
 14 lows through “If the bonus” in the second sen-  
 15 tence and inserting the following:

16 “(c) PAYMENT IN LUMP SUM OR INSTALLMENTS.—  
 17 (1) A bonus payable to a member under this section shall  
 18 be paid, upon the election of the member, in one lump  
 19 sum or in partial payments under paragraph (2).

20 “(2) If the bonus”.

21 (4) REDESIGNATION OF PROVISIONS.—Such  
 22 section is further amended—

23 (A) by redesignating subsections (d), (e),  
 24 and (f), as subsections (e), (f), and (g), respec-  
 25 tively; and

1 (B) in subsection (c)(3)—

2 (i) by striking “(3) In the case of”  
 3 and inserting “(d) PERSONNEL IN CER-  
 4 TAIN CONTINGENCY OPERATIONS.—In the  
 5 case of”; and

6 (ii) by striking “paragraph (1)(B)  
 7 or”.

8 **SEC. 4. TRICARE FOR RESERVE COMPONENT PERSONNEL.**

9 (a) EXPANDED ELIGIBILITY OF READY RESERVE  
 10 MEMBERS UNDER TRICARE PROGRAM.—

11 (1) UNCONDITIONAL ELIGIBILITY.—Subsection  
 12 (a) of section 1076b of title 10, United States Code,  
 13 is amended by striking “is eligible, subject to sub-  
 14 section (h), to enroll in TRICARE” and all that fol-  
 15 lows through “an employer-sponsored health benefits  
 16 plan” and inserting “, except for a member who is  
 17 enrolled or is eligible to enroll in a health benefits  
 18 plan under chapter 89 of title 5, is eligible to enroll  
 19 in TRICARE, subject to subsection (h)”.

20 (2) PERMANENT AUTHORITY.—Subsection (l) of  
 21 such section is repealed.

22 (3) CONFORMING REPEAL OF OBSOLETE PROVI-  
 23 SIONS.—Such section is further amended—

24 (A) by striking subsections (i) and (j); and

1 (B) by redesignating subsection (k) as sub-  
 2 section (i).

3 (b) CONTINUATION OF NON-TRICARE HEALTH  
 4 BENEFITS PLAN COVERAGE FOR CERTAIN RESERVES  
 5 CALLED OR ORDERED TO ACTIVE DUTY AND THEIR DE-  
 6 PENDENTS.—

7 (1) REQUIRED CONTINUATION.—

8 (A) REQUIREMENT.—Chapter 55 of title  
 9 10, United States Code, is amended by insert-  
 10 ing after section 1078a the following new sec-  
 11 tion:

12 **“§ 1078b. Continuation of non-TRICARE health bene-**  
 13 **fits plan coverage for dependents of cer-**  
 14 **tain Reserves called or ordered to active**  
 15 **duty**

16 “(a) PAYMENT OF PREMIUMS.—The Secretary con-  
 17 cerned shall pay the applicable premium to continue in  
 18 force any qualified health benefits plan coverage for the  
 19 members of the family of an eligible reserve component  
 20 member for the benefits coverage continuation period if  
 21 timely elected by the member in accordance with regula-  
 22 tions prescribed under subsection (j).

23 “(b) ELIGIBLE MEMBER; FAMILY MEMBERS.—(1) A  
 24 member of a reserve component is eligible for payment of  
 25 the applicable premium for continuation of qualified

1 health benefits plan coverage under subsection (a) while  
 2 serving on active duty pursuant to a call or order issued  
 3 under a provision of law referred to in section  
 4 101(a)(13)(B) of this title during a war or national emer-  
 5 gency declared by the President or Congress.

6 “(2) For the purposes of this section, the members  
 7 of the family of an eligible reserve component member in-  
 8 clude only the member’s dependents described in subpara-  
 9 graphs (A), (D), and (I) of section 1072(2) of this title.

10 “(c) QUALIFIED HEALTH BENEFITS PLAN COV-  
 11 ERAGE.—For the purposes of this section, health benefits  
 12 plan coverage for the members of the family of a reserve  
 13 component member called or ordered to active duty is  
 14 qualified health benefits plan coverage if—

15 “(1) the coverage was in force on the date on  
 16 which the Secretary notified the reserve component  
 17 member that issuance of the call or order was pend-  
 18 ing or, if no such notification was provided, the date  
 19 of the call or order;

20 “(2) on such date, the coverage applied to the  
 21 reserve component member and members of the fam-  
 22 ily of the reserve component member; and

23 “(3) the coverage has not lapsed.

24 “(d) APPLICABLE PREMIUM.—The applicable pre-  
 25 mium payable under this section for continuation of health

1 benefits plan coverage for the family members of a reserve  
 2 component member is the amount of the premium payable  
 3 by the member for the coverage of the family members.

4 “(e) MAXIMUM AMOUNT.—The total amount that the  
 5 Department of Defense may pay for the applicable pre-  
 6 mium of a health benefits plan for the family members  
 7 of a reserve component member under this section in a  
 8 fiscal year may not exceed the amount determined by mul-  
 9 tiplying—

10 “(1) the sum of one plus the number of the  
 11 family members covered by the health benefits plan,  
 12 by

13 “(2) the per capita cost of providing TRICARE  
 14 coverage and benefits for dependents under this  
 15 chapter for such fiscal year, as determined by the  
 16 Secretary of Defense.

17 “(f) BENEFITS COVERAGE CONTINUATION PE-  
 18 RIOD.—The benefits coverage continuation period under  
 19 this section for qualified health benefits plan coverage for  
 20 the family members of an eligible reserve component mem-  
 21 ber called or ordered to active duty is the period that—

22 “(1) begins on the date of the call or order; and

23 “(2) ends on the earlier of—

24 “(A) the date on which the reserve compo-  
 25 nent member’s eligibility for transitional health

1           care under section 1145(a) of this title termi-  
 2           nates under paragraph (3) of such section; or

3           “(B) the date on which the reserve compo-  
 4           nent member elects to terminate the continued  
 5           qualified health benefits plan coverage of the  
 6           member’s family members.

7           “(g) EXTENSION OF PERIOD OF COBRA COV-  
 8           ERAGE.—Notwithstanding any other provision of law—

9           “(1) any period of coverage under a COBRA  
 10          continuation provision (as defined in section  
 11          9832(d)(1) of the Internal Revenue Code of 1986)  
 12          for an eligible reserve component member under this  
 13          section shall be deemed to be equal to the benefits  
 14          coverage continuation period for such member under  
 15          this section; and

16          “(2) with respect to the election of any period  
 17          of coverage under a COBRA continuation provision  
 18          (as so defined), rules similar to the rules under sec-  
 19          tion 4980B(f)(5)(C) of such Code shall apply.

20          “(h) NONDUPLICATION OF BENEFITS.—A member of  
 21          the family of a reserve component member who is eligible  
 22          for benefits under qualified health benefits plan coverage  
 23          paid on behalf of the reserve component member by the  
 24          Secretary concerned under this section is not eligible for

1 benefits under the TRICARE program during a period of  
 2 the coverage for which so paid.

3 “(i) REVOCABILITY OF ELECTION.—A reserve com-  
 4 ponent member who makes an election under subsection  
 5 (a) may revoke the election. Upon such a revocation, the  
 6 member’s family members shall become eligible for bene-  
 7 fits under the TRICARE program as provided for under  
 8 this chapter.

9 “(j) REGULATIONS.—The Secretary of Defense shall  
 10 prescribe regulations for carrying out this section. The  
 11 regulations shall include such requirements for making an  
 12 election of payment of applicable premiums as the Sec-  
 13 retary considers appropriate.”.

14 (B) CLERICAL AMENDMENT.—The table of  
 15 sections at the beginning of such chapter is  
 16 amended by inserting after the item relating to  
 17 section 1078a the following new item:

“1078b. Continuation of non-TRICARE health benefits plan coverage for de-  
 pendents of certain Reserves called or ordered to active duty.”.

18 (2) APPLICABILITY.—Section 1078b of title 10,  
 19 United States Code (as added by paragraph (1)),  
 20 shall apply with respect to calls or orders of mem-  
 21 bers of reserve components of the Armed Forces to  
 22 active duty as described in subsection (b) of such  
 23 section, that are issued by the Secretary of a mili-  
 24 tary department before, on, or after the date of the

1 enactment of this Act, but only with respect to quali-  
 2 fied health benefits plan coverage (as described in  
 3 subsection (c) of such section) that is in effect on or  
 4 after the date of the enactment of this Act.

5 **SEC. 5. CHILD CARE FOR CHILDREN OF MEMBERS OF**  
 6 **ARMED FORCES ON ACTIVE DUTY FOR OPER-**  
 7 **ATION ENDURING FREEDOM OR OPERATION**  
 8 **IRAQI FREEDOM.**

9 (a) CHILD CARE FOR CHILDREN WITHOUT ACCESS  
 10 TO MILITARY CHILD CARE.—

11 (1) AUTHORITY.—In any case where the chil-  
 12 dren of a covered member of the Armed Forces are  
 13 geographically dispersed and do not have practical  
 14 access to a military child development center, the  
 15 Secretary of Defense may, to the extent funds are  
 16 available for such purpose, provide such funds as are  
 17 necessary to permit the member's family to secure  
 18 access for such children to State licensed child care  
 19 and development programs and activities in the pri-  
 20 vate sector that are similar in scope and quality to  
 21 the child care and development programs and activi-  
 22 ties the Secretary would otherwise provide access to  
 23 under subchapter II of chapter 88 of title 10, United  
 24 States Code, and other applicable provisions of law.



1           (2) PROCEDURES.—Funds may be provided  
2       under paragraph (1) in accordance with the provi-  
3       sions of section 1798 of title 10, United States  
4       Code, or by such other mechanism as the Secretary  
5       considers appropriate.

6           (3) PRIORITIES.—The Secretary shall prescribe  
7       in regulations priorities for the allocation of funds  
8       for the provision of access to child care under para-  
9       graph (1) in circumstances where funds are inad-  
10      equate to provide all children described in that para-  
11      graph with access to child care as described in that  
12      paragraph.

13          (b) PRESERVATION OF SERVICES AND PROGRAMS.—  
14      The Secretary shall provide for the attendance and partici-  
15      pation of children in military child development centers  
16      and child care and development programs and activities  
17      under subsection (a) in a manner that preserves the scope  
18      and quality of child care and development programs and  
19      activities otherwise provided by the Secretary.

20          (c) FUNDING.—Amounts otherwise available to the  
21      Department of Defense and the military departments  
22      under this Act may be available for purposes of providing  
23      access to child care under subsection (a).

24          (d) DEFINITIONS.—In this section:

1           (1) COVERED MEMBERS OF THE ARMED  
 2           FORCES.—The term “covered members of the Armed  
 3           Forces” means members of the Armed Forces on ac-  
 4           tive duty, including members of the Reserves who  
 5           are called or ordered to active duty under a provi-  
 6           sion of law referred to in section 101(a)(13)(B) of  
 7           title 10, United States Code, for Operation Endur-  
 8           ing Freedom or Operation Iraqi Freedom.

9           (2) MILITARY CHILD DEVELOPMENT CENTER.—  
 10          The term “military child development center” has  
 11          the meaning given such term in section 1800(1) of  
 12          title 10, United States Code.

13 **SEC. 6. USERRA IMPLEMENTING REGULATIONS.**

14          (a) REQUIREMENT FOR REGULATIONS.—Subsections  
 15          (a) and (b)(1) of section 4331 of title 38, United States  
 16          Code, are amended by striking “may prescribe” and in-  
 17          serting “shall prescribe”.

18          (b) CLARIFICATION OF RIGHT TO MERIT PAY IN-  
 19          CREASES.—The regulations prescribed for the implemen-  
 20          tation of chapter 43 of title 38, United States Code, under  
 21          section 4331 of such title shall include regulations that  
 22          clarify that the entitlement of persons returning to em-  
 23          ployment under such chapter to receive pay increases  
 24          under merit pay systems of employers may not be denied  
 25          on the basis of lack of work performance evaluations for

1 periods of absence for active duty in the uniformed serv-  
2 ices.

3 **SEC. 7. IMPROVED EDUCATIONAL ASSISTANCE BENEFITS**  
4 **FOR MEMBERS OF THE SELECTED RESERVE.**

5 (a) INCREASE IN AMOUNT OF BASIC EDUCATIONAL  
6 ASSISTANCE.—

7 (1) IN GENERAL.—Section 16131(b) of title 10,  
8 United States Code, is amended to read as follows:

9 “(b) Except as provided in subsections (d) through  
10 (f), each educational assistance program established under  
11 subsection (a) shall provide for payment by the Secretary  
12 concerned, through the Secretary of Veterans Affairs, to  
13 each person entitled to educational assistance under this  
14 chapter who is pursuing a program of education of an edu-  
15 cational assistance allowance at the following monthly  
16 rates:

17 “(1) For such a program of education pursued  
18 on a full-time basis, at the monthly rate equal to the  
19 applicable percentage (as defined in paragraph (3))  
20 of the rate that applies for the month under section  
21 3015(a)(1) of title 38.

22 “(2)(A) Subject to subparagraph (B), for such  
23 a program of education pursued on less than a full-  
24 time basis, at an appropriately reduced rate, as de-

1       terminated under regulations which the Secretaries  
2       concerned shall prescribe.

3               “(B) No payment may be made to a person for  
4       less than half-time pursuit of such a program of  
5       education if tuition assistance is otherwise available  
6       to the person for such pursuit from the military de-  
7       partment concerned.

8               “(3) In this subsection, the term ‘applicable  
9       percentage’ means, with respect to months occurring  
10      during—

11                   “(A) fiscal year 2005, 33 percent;

12                   “(B) fiscal year 2006, 37 percent;

13                   “(C) fiscal year 2007, 41 percent;

14                   “(D) fiscal year 2008, 45 percent; and

15                   “(E) fiscal year 2009, and each subsequent  
16      fiscal year, 50 percent.”.

17               (2) EFFECTIVE DATE.—The amendments made  
18      by paragraph (1) shall take effect on October 1,  
19      2005, and shall apply with respect to educational as-  
20      sistance allowances under section 16131(b) of such  
21      title paid for months after September 2005.

22      (b) EXPANSION OF ELIGIBILITY REQUIREMENTS FOR  
23      MEMBERS OF THE SELECTED RESERVE HAVING SERVED  
24      ON ACTIVE DUTY FOR A PERIOD OF 24 NON-CONSECU-

1 TIVE MONTHS UNDER CHAPTER 30 OF TITLE 38,  
 2 UNITED STATES CODE.—

3 (1) CREDIT FOR 24 MONTHS OF ACTIVE DUTY  
 4 SERVICE OVER A PERIOD OF 5 YEARS.—Subsection  
 5 3012(a) of title 38, United States Code, is amended  
 6 in paragraphs (1)(A)(i), (1)(B)(i), and (1)(C)(iii)(I)  
 7 by striking “two years of continuous active duty”  
 8 each place it appears and inserting “a cumulative  
 9 period of 24 months during any 5-year period”.

10 (2) CONFORMING AMENDMENT.—Subsection (b)  
 11 of section 3012 of such title is amended in para-  
 12 graph (1) by striking “during such two years” and  
 13 inserting “at any time during such 5-year period”.

14 (3) EFFECTIVE DATE.—The amendments made  
 15 by this subsection shall apply on or after October 1,  
 16 2005.

17 **SEC. 8. REDUCTION IN AGE FOR RECEIPT OF MILITARY RE-**  
 18 **TIRED PAY FOR NONREGULAR SERVICE.**

19 (a) REDUCTION IN AGE.—Section 12731(a)(1) of  
 20 title 10, United States Code, is amended by striking “at  
 21 least 60 years of age” and inserting “at least 55 years  
 22 of age”.

23 (b) APPLICATION TO EXISTING PROVISIONS OF LAW  
 24 OR POLICY.—With respect to any provision of law, or of  
 25 any policy, regulation, or directive of the executive branch,

1 that refers to a member or former member of the uni-  
 2 formed services as being eligible for, or entitled to, retired  
 3 pay under chapter 1223 of title 10, United States Code,  
 4 but for the fact that the member or former member is  
 5 under 60 years of age, such provision shall be carried out  
 6 with respect to that member or former member by sub-  
 7 stituting for the reference to being 60 years of age a ref-  
 8 erence to the age in effect for qualification for such retired  
 9 pay under section 12731(a) of title 10, United States  
 10 Code, as amended by subsection (a).

11 (c) EFFECTIVE DATE.—The amendment made by  
 12 subsection (a) shall take effect on the first day of the first  
 13 month beginning on or after the date of the enactment  
 14 of this Act and shall apply to retired pay payable for that  
 15 month and subsequent months.

16 **SEC. 9. DEPUTY UNDER SECRETARY OF DEFENSE FOR PER-**  
 17 **SONNEL AND READINESS (RESERVE AF-**  
 18 **FAIRS).**

19 (a) ESTABLISHMENT OF POSITION.—

20 (1) POSITION AND DUTIES.—Chapter 4 of title  
 21 10, United States Code, is amended by inserting  
 22 after section 136a the following new section:

1 **“§ 136b. Deputy Under Secretary of Defense for Per-**  
 2 **sonnel and Readiness (Reserve Affairs)**

3 “(a) There is a Deputy Under Secretary of Defense  
 4 for Personnel and Readiness (Reserve Affairs), appointed  
 5 from civilian life by the President, by and with the advice  
 6 and consent of the Senate.

7 “(b) The Deputy Under Secretary of Defense for Per-  
 8 sonnel and Readiness (Reserve Affairs) shall have as his  
 9 principal duty the overall supervision of reserve component  
 10 affairs of the Department of Defense.”.

11 (2) CLERICAL AMENDMENT.—The table of sec-  
 12 tions at the beginning of such chapter is amended  
 13 by inserting after the item relating to section 136a  
 14 the following new item:

“136b. Deputy Under Secretary of Defense for Personnel and Readiness (Re-  
 serve Affairs).”.

15 (b) EXECUTIVE LEVEL IV.—Section 5315 of title 5,  
 16 United States Code, is amended by inserting after “Dep-  
 17 uty Under Secretary of Defense for Personnel and Read-  
 18 ness.” the following:

19 “Deputy Under Secretary of Defense for Per-  
 20 sonnel and Readiness (Reserve Affairs).”.

21 (c) ELIMINATION OF POSITION OF ASSISTANT SEC-  
 22 RETARY OF DEFENSE FOR RESERVE AFFAIRS.—

1           (1) REPEAL OF REQUIREMENT FOR POSI-  
 2           TION.—Subsection (b) of section 138 of title 10,  
 3           United States Code, is amended—

4                   (A) by striking paragraph (2); and

5                   (B) by redesignating paragraphs (3), (4),  
 6           and (5), as paragraphs (2), (3), and (4), re-  
 7           spectively.

8           (2) REDUCTION IN TOTAL NUMBER OF ASSIST-  
 9           ANT SECRETARIES OF DEFENSE.—

10                   (A) AUTHORIZED NUMBER.—Subsection  
 11           (a) of such section is amended by striking  
 12           “nine” and inserting “eight”.

13                   (B) CONFORMING AMENDMENT.—Section  
 14           5315 of title 5, United States Code, is amended  
 15           by striking “(9)” after “Assistant Secretaries of  
 16           Defense” and inserting “(8)”.

17           (d) EFFECTIVE DATE.—The amendments made by  
 18           subsection (c) shall take effect on the date on which a  
 19           person is first appointed as Deputy Under Secretary of  
 20           Defense for Personnel and Readiness (Reserve Affairs).

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